

Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

Approved for use through 07/31/2008. OMB 0851-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 2100.004700									
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>July 25, 2008</u> Signature <u>/Kathryn Danas/</u> Typed or printed name <u>/Kathryn Danas/</u>		Application Number 10/824,216	Filed 04/14/2004								
		First Named Inventor STEVEN KENT MEIER									
		Art Unit 2619	Examiner Ramtin Kangarloo								
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <table><tr><td><input type="checkbox"/> applicant/inventor.</td><td><u>/Mark W. Sincell/</u> Signature</td></tr><tr><td><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</td><td><u>Mark W. Sincell</u> Typed or printed name</td></tr><tr><td><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>52,226</u></td><td><u>713 934 4052</u> Telephone number</td></tr><tr><td><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</td><td><u>July 25, 2008</u> Date</td></tr></table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of _____ forms are submitted.</p>				<input type="checkbox"/> applicant/inventor.	<u>/Mark W. Sincell/</u> Signature	<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	<u>Mark W. Sincell</u> Typed or printed name	<input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>52,226</u>	<u>713 934 4052</u> Telephone number	<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	<u>July 25, 2008</u> Date
<input type="checkbox"/> applicant/inventor.	<u>/Mark W. Sincell/</u> Signature										
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	<u>Mark W. Sincell</u> Typed or printed name										
<input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>52,226</u>	<u>713 934 4052</u> Telephone number										
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	<u>July 25, 2008</u> Date										

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.8. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

The Examiner has finally rejected all of the pending claims (*i.e.*, claims 1-8 and 11-22) under 35 U.S.C. § 102(b) as allegedly being anticipated by Honkasalo, et al. (U.S. Patent No. 6,101,176). Applicants respectfully submit that the Examiner has erred in concluding that the pending claims read on Honkasalo. Applicants therefore respectfully request that the Panel review this rejection in view of the following comments.

Conventional public long code masks are generated using a base station identifier, a pseudo-noise offset, and a Walsh code. For example, a mobile unit that has established a first wireless communication link with a first base station (BS1), with a first PN offset (PN_Offset1), on a first carrier frequency (F1) using a first Walsh code (W1) may have a public long code mask of [BS1, PN_Offset1, W1]. However, the conventional techniques for generating public long code masks can lead to collisions during handoffs such as inter-frequency handoffs. See Patent Application, page 4, lines 1-23.

To address this drawback in the conventional practice, the pending claims set forth, *inter alia*, generating a code mask for coding transmissions over a traffic channel based on a frequency differentiator indicative of a first frequency range that is one of multiple supported frequency ranges. The pending claims also set forth in generating the code mask using a band class differentiator indicative of a band class, and a traffic channel differentiator indicative of a traffic channel. Including the frequency differentiator in the information used to form the code mask can reduce the probability of collisions during inter-frequency handoffs because code masks generated for different frequency ranges will have different values of the frequency differentiator. See Patent Application, page 9, line 6-page 10, line 2.

Applicants respectfully submit that the Examiner has erred in concluding that Honkasalo describes or suggests using a frequency differentiator to form a code mask.

First, Applicants respectfully submit that the Examiner has erred in concluding that the synchronization channel bits 920 are frequency differentiators. Honkasalo describes a synchronization channel generator 904 that passes synchronization channel bits 920 through a convolutional encoder 922, symbol repetition 924, and a block interleaver 926 to create a modulation symbol. See Honkasalo, col. 29, line 59-col. 30, line 6. Thus, Applicants respectfully submit that the synchronization channel bits 920 are simply information bits (*e.g.*, 0s and 1s) that are used to generate a synchronization signal and therefore the synchronization channel bits 920 do not indicate any particular frequency band that should be used for transmission. To the contrary, Applicants respectfully submit that the modulation symbol formed using the synchronization channel bits 920 could be transmitted in any frequency band.

Second, Applicants respectfully submit that the Examiner has erred in concluding that the paging channel bits 934 are frequency differentiators. Honkasalo describes a paging channel generator 906 that passes paging channel bits 934 through a convolutional encoder 936, symbol repetition 938, and a block interleaver 940 to create a modulation symbol. Thus, Applicants respectfully submit that the paging channel bits 934 are simply information bits (*e.g.*, 0s and 1s) that are used to generate a paging signal and therefore the paging channel bits 934 do not indicate any particular frequency band that should be used for transmission. To the contrary, Applicants respectfully submit that the

modulation symbol formed using the paging channel bits 934 could be transmitted in any frequency band.

Third, Applicants respectfully submit that (even if one accepts for the sake of argument that the channel bits 920, 934 are frequency differentiators) the Examiner has erred in concluding that Honkasalo teaches using the channel bits 920, 934 to form a public long code mask. Honkasalo describes two long code generators 944, 970 that can be used to generate long code masks. The generated long code masks are then added to the appropriate modulated and interleaved signal, *e.g.*, the signal formed using the paging channel bits or the signal formed using the traffic channel information. Thus, Honkasalo does not describe or suggest using the channel bits to form the long code masks. To the contrary, Honkasalo teaches that the channel bits are modulated and interleaved in one logical branch and the long code masks are generated in a second logical branch. The output from the two logical branches can then be summed at a later point in the processing flow. See, *e.g.*, Honkasalo, Figures 15A-B.

For at least the aforementioned reasons, Applicants respectfully submit that the pending claims are not anticipated by Honkasalo and request that the Examiner's rejections of claims 1-8 and 11-22 under 35 U.S.C. § 102(b) be REVERSED.